Previous references.

Cts 10-90

190

(Courts)

File No. 11 a 90

Serial Nos. 1 – 4

Later references.

Cts 85 of 96

73-15-9

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 4

Part B. for September 1890

SUBJECT.

Formation of the District Court at Bangalore

Sl. 1. From The Chief Judge of Mysore.

No. 3481/100 Dt 14-8-90

Forwards opinion in re: the formation of a District Court in Bangalore

2. To The Chief Judge

No. 6026/85 Dt 29-8-90

G. R. S. 58 Awaits certain proposals re- the accommodation and the Establishment required for the new District and Sessions Courts....

Request for submission of the necessary notifications

3. From The Ch: Judge
No: 4077/122 Dt 8-9-90
Submits a Statement showing the present Estt of the District Courts of Mysore and Shimoga and the proposed Estt of the Dist Court of Bangalore

4 To The Ch: Judge
The Comptroller.
No: 6737-8/104. Dt 10-9-90
Sanctioning the Scale of establishment for the District and Sessions Court of the Mandya Drug Division notified from the 15th September 1990

J.V.R.

Concurred

No. 87/8

Bangalore: 10 April 1883.

From,

The Chief Judge
of Mysore

To,

The Dewan to H. H.
the Maharaja of Mysore

SECTION Miscellaneous
FILE NO. 11a190

Sir,

I have the honor to forward for the orders of Government the accompanying copy of a letter from the Sessions Judge of the Mundydroog Division, proposing that the bi-monthly Sessions for the Tumkur District now held at Tumkur may be discontinued and that all cases committed by the Magistrates in that District may be tried once a month at Bangalore, I have the honor to state that the proposal meets with my strong approval and I hope the Government will

No. 116/13 dy 6.4.1883

will consent to it

I have the honor to be

Sir,

your most obedient

servant

/Signed/ C. G. Plummer.

Ag Chief Judge.

"True "Copy"

R. L. Bride

Asst Manager

Eng: Prof Records

No. 116/13

Nundidroog Division
Sessions Court
Dated 6th April 1883

To

The Registrar of the
Chief Court of Mysore.

Sir,

I have the honor to propose for the consideration and orders of the Chief Judge, that the bi-monthly sessions for the Tumkur District now held at Tumkur may be discontinued and that all cases committed by the Magistrates in the Tumkur District may be tried once a month at Bangalore. A similar arrangement has been sanctioned for the Kolar District; and, if the present proposal meets with approval, there will be a monthly session at Bangalore for all cases committed by Magistrates in the three districts of Bangalore, Kolar and Tumkur, which would be a very convenient arrangement.

2 The distance from Tumkur to Bangalore is, as you are aware, only 42 miles, and as a transit-pass between these two places, both day and night

the parties and witnesses can perform the journey in about 12 hours. Accused persons are seldom defended when sessions are held at outstations, whereas at Bangalore they will readily obtain the assistance of professional members of the Bar. The difficulty now experienced in procuring a sufficient number of intelligent and competent men to serve as Assessors at Cumbum will also be obviated.

3 A sum of Rupees 800 is provided for annually to meet the travelling allowance of the Judge and his establishment. Almost the whole of this amount will be saved.

I have the honor to be
Sir,
Your most obedient Servant
(Sd.) T. R. A. Thumbu Chetty
Sessions Judge
Nandidroog Division

True Copy
H. Wride
Assistant Manager
Revenue Office

Rec'd 7th June 1883.

Office of the Dewan of Mysore
Camp Ootacamund, 5th June
1883.

(2)

No. 621/10

To

C. G. Plumer Esq.
Acting Chief Judge
of Mysore.

Sir,

With reference to your letter No 87/8 of the 10th ultimo, I have the honor to state that I approve of the proposed discontinuance of the present practice of holding sessions for the Tumkur District at Tumkur.

I have the honor to be,
Sir,
Your most obedient Servant
(Sd) T. Sheshadri Iyer
Dewan.

True Copy
H. Weir
Assistant Manager
Dewan's Office

1883/84

From

The Assistant

of Imphoku.

To

The Acting Chief Judge

of Imphoku

Date 5th } May 1883

Rec'd 7

No 621/10

States that he approves of the proposed discontinuance of the present practice of holding sessions for the Lumbini District at Lumbini

No 3481/100

(1)

Bangalore 14 August 1890

From,

SECTION A.

FILE No. 1180/90 Offg

SUB No. 1

V. Ramachandra Iyer Esquire,
Chief Judge of
Mysore.

To,

T. R. A Thumboo Chetty Esquire
Offg Dewan of Mysore

Sir,

With reference to the conversation we have had regarding the establishment of a District Court in Bangalore, I have the honor to state that I consider it absolutely necessary to establish one, in order to further the ends of justice and to promote the convenience of the public. Many Police

This has been already decided vide order of this High Court dt 15 6 93

(illegible)

(illegible)

Police and Medical Officers and ryots are now compelled to come to Bangalore from such distant Ta-luks as Tavagada and Mulbha-gal and Gorbidnur to give evidence in Lepsies cases. There is reason to think that the absence of such a large number of Officers from their Districts every alternate month seri-ously interferes with the despatch of public business. We have heard that ryots are not easily persuaded to leave their homes and occupation for the purpose of giving evidence before the Chief Court in Lepsies

Cases

cases. It has been represented to us by some magistrates that villagers are sometimes deterred from giving information to the Police by the apprehension of being compelled to give evidence before a Magistrate and eventually before the Sessions Court at Bangalore All this may be avoided if a District Court be established and if the District and Sessions Judge be directed to try Sessions cases arising in the Districts of Kolar and Tumkur, at the Cusba Stations in those Districts

Another

4. Another reason for making the recommendation is the necessity of giving some relief to the Munsiff of Bangalore. A large number of suits is filed in that Court and a large proportion of them is contested. The work is more than one Judge can be reasonably expected to dispose of. There have been repeated adjournments of trials and considerable delay in the final disposal of suits. It is not possible to transfer a few suits from his Court to that of the Subordinate Judge, because

there

there is such a large quantity of
work in his Court as at present con
stituted, that he himself stands
in need of relief It is only by
establishing a District Court
that it is possible to improve the
administration of Criminal justice
and to give sensible relief to the
Municipality

3 The Original jurisdiction,
both and Criminal, which has been
conferred upon the Chief Court
should be withdrawn and the Banga
lore Subordinate Judges Court should
be abolished If these changes
are

are made, the District Judge will take cognizance of all Civil suits and proceedings of the value of Rs 1000 and upwards and of all Sessions Cases in the Districts of Bangalore, Tumkur and Kolar

The Civil and Criminal work of the Civil Court, on the Original side, since 1884, is as follows:—

	Original Suits	Applications for execution.	Miscellaneous applications.	Sessions Cases.
1884	16	20	76	31
1885	11	12	98	46
1886	7	21	73	63
1887	3	15	62	51
1888	9	13	64	62
1889	11	31	63	50
	57			

9

The

5. The Civil work of the Subordinate Judge of Bangalore for the years 1884 – 1889 is shown below

	Original Suits.	Insolvency Cases.	Certificate of heirship Cases.	Cases under the Minor rule
1884	49	42	67	12
1885	57	54	64	4
1886	60	39	79	7
1887	71	59	75	7
1888	70	80	68	7
1889	73	55	64	7
6	380			
	63			

6 This gives an average of 72 Original Suits, 56 Insolvency Cases, 132 applications for insolvency and under Act 27 of 1860 and under the rules relating to minors and many applications for execution of decrees and so forth, the number

of

of which I am unable to state even approximately. These, together with the suits which the Chief Court will periodically transfer from the file of the Munsiff will give our Circuit work to the District and Sessions Judge.

Suit for it

7 As the Sessions Judge is directed to hold his Court at Kolar and Tumkur, we have to determine whether trials should be with the aid of Assessors only. We have a fair number of educated and independent men at Bangalore, who are fit to serve as Jurors, and

In Bangalore the trial may be with the aid of Jury At Kolar and Tumkur with the aid of Assessors

the

the present practice of trying offences against property with the aid of Jurors may be continued in Bangalore alone But I am afraid that in Tumkur and Kolar, we have not as large a field for the selection of Jurors as we have in Bangalore, and I think that the Judge should be directed to try cases in those Districts with Assessors only

8 It is not necessary to invest the District and Sessions Judge with the jurisdiction of an appellate Court and the appellate jurisdiction which is now exercised by the Chief Court it may be continued to exercise. In

that

that case, the relief which would be given to the Civil Court by the establishment of a District Court is the withdrawal of about nine suits and 50 Sessions Cases. On the other hand, it has to be borne in mind that the Land Revenue Code which came into force in April 1879 throws additional work upon one of the Judges in his capacity of a member of the Mahal Rajahs Council, and that this work presents not less than 50 or 60 days' judicial work in a year

9. The short experience which

I have had as Inspector General of Jails reasons to think that this portion of the work receives much less attention at the hands of the Chief Judge than it ought to receive The withdrawal of the Original jurisdiction will enable the Chief Judge to devote more time to the Jail department, and to arrange for a more systematic and periodical inspection of all Courts and Jails and Lockups

We have now to provide for the disposal of the suits which the Subordinate Judge entertains on his file

in

in his capacity of a Judge of Small Causes. From a statement which he has furnished, I gather that the number of Small Cause suits is about 2500 a year. The proportion of contested cases is so small, that I think this work may occupy him about 60 days. I would recommend his appointment as Town Magistrate of Bangalore and his investiture with the powers of a Magistrate of the first class. His Magisterial work will form the greater part

part of his work and the Civil work will occupy much less time If he is appointed as Sworn Ma= =gistrate, the Government may, under Section 16 of the Mysore Civil Courts Regulation, invest him with the powers of a Judge of Small Causes.

If these recommendations meet with the approval of Government, I will address another letter regarding the location and the establishment of the District and the Magistrates Courts

I have the honor to be,

Sir,

Your most Obed't Servant

Ramachandrachetty

Chief Judge

Statement shewing the Number and Value of Small Cause Suits filed in the Court of the Bangalore Subordinate Judge during the years 1887, 1888 and 1889.

Value	1887	1888	1889	Remarks
not exceeding 10 Rs	585	402	394	
do 50 Rs	1357	1648	1663	
do 100 Rs	592	428	509	
Total	2534	2478	2566	

SECTION Chs

FILE No. 11 of 90

SERIAL No. 2

For approval

The Offg: Chief Jndge

in Mysore

Sir

In reply to your letter of the 14 instant No: 3481/90 I have the hono to state that the questio of reconstituting the Distric and Sessions Court of Bangalore has been very carefully considered by His Highness Governm who concur with you in thinking that the reestablish- ment of the Court is absolutely necessary, not only to remove the anamoly of the three Jndge of the Chief Court hearin an appeal from one of

Offg
29/8/90

No. 6046
85
29.8.90

approved
29/8/90

alvice in the interests
of better and more popular
administration of Justice,
but also to promote the
convenience of the people.
The measure is also called
for to afford relief to
the Judges who would
have more time than
now to devote to the in-
spection of the subordinate
Courts, and there is a great
need for such inspection being
made very frequently,
especially in the case of
the Courts in the interior
of the Province.

The alteration
of the Chief Court Regulation
which has recently been made
enables the Government
to at once give effect to
your proposals for the

formation of the District and
Sessions Court at Bangalore

3. Your proposal
to direct the District and
Sessions Judge to try all
Sessions cases arising in
the Districts of Kolar and
Tumkur at the Circuit
stations or Head Quarters
of those Districts with the
aid of assessors, is approved.
At Bangalore the Sessions
cases will be tried with
the aid of Jurors as heretofore.

4 The original
Jurisdiction, Civil and Criminal
now exercised by the Chief
Court, will be withdrawn
and the same Jurisdiction
conferred upon the District
and Sessions Judge who
will have no power to
entertain appeals direct
from the subordinate

Court but he will dispose of only such appeals Civil or Criminal as may from time to time be referred or transferred to him by the Chief Court

5. The work of the Sangatne Sub Judge is at present very heavy as represented by you To afford relief to him, some of the original suits may from time to time be transferred to the District Judge, and the Subordinate Judge may also be invested with the powers of a 1st Class Magistrate, so as to be of assistance to the District Magistrate, whenever he or his 1st Class Assistants may be absent from Sangatne on out-door work -

6 Your proposal
to abolish the Sub Court
and to make the Sub Judge
do all the Small Cause
work which now devolves
on him and also the Criminal
work of the Bangalore Town
Magistrate's Court will be
considered hereafter. The
numerous petty Criminal
cases which are now disposed
of by the Town Magistrate
would unnecessarily occupy
much of the Sub Judges
time and interfere, to
a great extent with the
speedy disposal of the
Small causes which amount
to more than 2500 a year
It is therefore considered
undesirable at present
to do away with the
appointment of the Town

Inspection

7 & As it is now proposed to retain the Sub Court the additional Munsiffs Court may be transferred to Mysore or Seringapatam as the work of the Munsiffs there is so heavy and as, I understand they require relief

8. The new District and Sessions Court at Bangalore will be established from the 15 September next and the Government propose to transfer Mr. Narahari Rao to Bangalore to preside over the new Court and to appoint the Sub Judge Mr Srinivasa Iyengar as District Judge of Mysore I await your proposals regarding the accommodation

and the establishment
required for the new Distri
and Sessions Court I
believe that a portion
of the establishment
of the Chief Court will
be available for transfe
to the new court

10 In conclusion
I request the favor of
your submitting at your early convenience the necessary
Notifications for publicatio
in the Gazette.

I have etc

29/8/90

W. J Dewan

2

1/
E. 01

To No 6046 / 85 dt 29/8/90
The Hon'ble Chief Justice

From the Commr. No. 407/132 dt 27/8/90

P. R.

With file & copy of letter dt. 7
Received by the C.S.

Dt. 7.8.90

Re-constituting Kolar as District & Sessions Court at Bangalore.

No. 4077/122

Bangalore 8th Sept. 1890

SECTION Ch

FILE NO. 11 e/190

From,

A Ramachandra Iyer Esqre
Offg Chief Judge, Mysore

To,

T. R. S. Shumboo Chetty Esqre
Offg Dewan of Mysore.

Sir

With reference to para 9 of your letter No. 6046/85 dated 29th Ultimo, I have the honor, with the concurrence of my colleagues, to submit a statement, showing the present establishment of the District Courts of Mysore and Shimoga, and the proposed establishment of the District Court of Bangalore.

Present

Present, according to printed Proceedings		Proposed	
1, Sheristadar & Nazir	150	1 Sheristadar & Nazir	Rs 100 rising to 125
1, Assistant Nazir	35	1 Head Munshi	70
1, Head Munshi & Interpreter	70	1 Deputy — do.	50
1, Deputy Munshi & Translator	50	1 Third — do.	35
1, 3d Munshi	40	1 Fourth — do.	20
1, 4th — do	25	1 Head Clerk	60
1, 5th — do	20	1 Second — do.	30
1 Head Clerk	60	1 Third — do.	23
1 Deputy — do.	30	1 Record Keeper	35
1 3rd — do.	25	1 Mutchi	10-8
1 Mutchi	12	1 Dufterbund	8
1 Dufterbund	8	1 Duffedar	10
1 Head Record-Keeper	50	2 Peons at Rs 7 each	14
1 Assistant — do.	40	4 — do. — 6 — do.	24
1 Dufterbund	10	2 Massalchies at Rs 5-10	
1 Duffedar	10	1 Lascar	7
2 Peons at Rs 7	14.	1 Sweeper	5
4 — do. — at Rs 6 (including a Record orderly)	24	Total Rs	513-8
1 Lascar at Rs 7	7		
2 Massalchis at Rs 5	10		
1 Sweeper at Rs 5	5		
Total Rs.	695		

2. It will be seen that, while there are 12 hands in other courts, I have

recommended nine only for the new court. I have made this recommendation on account of the peculiar constitution of this Court. As a rule, it will exercise no appellate jurisdiction and consequently the number of processes and decrees will be comparatively small and there will be no necessity to make fair copies of decrees and judgments for transmission to subordinate courts. The record keepers' work will not be so very heavy as in other courts. Hence I have disallowed an Assistant Nazir and assistant record keeper and a mirasby.

3. I and my colleagues were of opinion that the establishment should consist of a sheristadar, a Nazir, a record keeper, three munshys and three clerks. I have since consulted Dewp Rs. Hanaya Row, Anantasawmy Row & Subaraya

who are all acquainted with the details of the work done in District courts and subordinate Courts. They have all informed me that a separate Nazir is not needed and that the number of Munshys should be raised to four. The recommendation I have made is in accordance with the opinion of these gentlemen.

4. I have proposed that the Sheristadar should begin on Rs 100 for the following reasons:- A sheristadar's pay should be less than that of a third grade Munsiff, so that his appointment as a Munsiff may be a promotion to him. Again, the work of a Sheristadar of a District Court is almost the same as that of a Sheristadar of a Subordinate Judge, and I see no reason why the latter should be paid Rs 60 only and the former Rs 150. If this proposal meets with the approval of Government, I would

recommend that the successors of of the present sheristadars of Mysore and Shimoga should also be made to begin on Rs 100 a month.

The District Court will require a certain number of Amins and process servers. I think the Subordinate Judge, Bangalore, may be able to spare some from his establishment. I have requested him to submit a report.

The cost of the proposed establishment is Rs 575, or Rs 180 less than that of the District Courts The formation of the District Court will necessitate reduction of the establishment of the Chief Court. I am unable to state at present the precise amount which may be saved, but I expect that it will not be less than Rs 100 a month, so that the additional expenditure which the Government will have to incur on account of the establishment

of

the District Judge may roughly be estimated at about Rs 415, which will eventually rise to Rs 440 when the Sheristadar earns his maximum pay.

I would transfer to the District Court almost all the clerks and Munshys who were formerly employed in that Court and who were employed in the Chief Court in May 1884. If this is effected, I shall have to reconstitute the Establishment of the Chief Court according to its present requirements and I will address you separately upon the subject.

I have the honor to be,
Sir,
Your most Obed.t Servant,

A Ramachandraiyer

1881. Offg. Chief Judge

9

(9)

SECTION C
FILE No. 11 of 90

Read:- Letter No. 4077/122 dated 8th September 1890, from the Offg. Chief Judge in Mysore.

No 6737-8/104 of 10-9-90 Order thereon:-

The following scale of Establishment for the District and Sessions Court of the Nandydroog Division is sanctioned with effect from the 15th September/90.

		Pay per mensem Rs.
1.	Sheristedar & Nazir.	100, rising to Rs 125 by annual increments of Rs 5
1.	Head Munshi	70.
1.	Dy. Munshi	50
1.	3rd Munshi	35.
1.	4th Munshi	20.
1.	Head Clerk	60.
1.	Second Clerk	30.
1.	Third Clerk	25.
1.	Record Keeper	35.
1.	Mutchi & Bookbinder	10-8-0
1.	Duftur band	8.
1.	Duffedar	10.
2	Peons at 7 Rs each	14.
4	Peons @ 6 Rs each	24.
2.	Mashalchies @ Rs 5 each	10.
1.	Lascar	7/5
1.	Sweeper.	
	Total.	573-8-0. rising Rs 538.8

2. The proposal to fix the pay of the Sheristedars of the Distt and Sessions Courts of Mysore & Shimoga at Rs 100 rising to Rs 125 is also approved, and may be brought into effect on the occurrence of vacancies. Men who have passed the Examinations prescribed for a Munsiffship should be appointed to the post of Sheristedar in the District Courts, so that they may be promoted to the Munsiffs grade if considered competent.

3 The necessary Process service Establishment should be entertained at once for the new Distt Court either on transfer from the subsisting Establishment

37

4. The proposals for the reduction of the Establishment of the Chief Court, consequent on the formation of the new District & Sessions Court of the Nandydrug Division, are awaited

Dft 10/9/90 Printr

Dated 10th Sept 90

Chief Secy

To. The Offg Chf Judge in Mysore

a The Commissioner

No. 12/9 1890 Sketch

Mem. Offg: Chief Engr
Comptroller

Do 10 September 1890.
Do 11

Dy Bl 6737-8
104

Sanctioning the scale of Sketch for the Dt Seacunn bank of the Naudydroog Division, with effect from the 15th September 1890

---

very urgent—

RR. No 832
Accounts Office.
8 Oct 1890

1890.

GOVERNMENT OF MYSORE.

GENERAL.

PROCEEDINGS.

Dated 10th September 1890.

No. 6737-8.
104.

Sanctioning the scale of Establishment for the District and Sessions Court of the Nundydroog Division, with effect from the 15th September 1890.

Mysore Govt. Central Press, Bangalore.—12-9-90.—80.

(8)

Proceedings of the Government of His Highness the Maharaja of Mysore, (General),—dated 10th September 1890.

READ —

Letter No. 4077—122, dated 8th September 1890, from the Offg. Chief Judge in Mysore.

No. 6737-8—104, DATED BANGALORE, 10TH SEPTEMBER 1890.

ORDER THEREON.—The following scale of Establishment for the District and Sessions Court of the Nundydroog Division is sanctioned with effect from the 15th September 1890 :—

		Pay per Mensem. Rs.
1	Sheristadar and Nazir	100 rising to Rs. 125 by annual increments of Rs. 5.
1	Head Munshi	70
1	Deputy Munshi	50
1	3rd Munshi	35
1	4th Munshi	20
1	Head Clerk	60
1	Second Clerk	30
1	Third Clerk	25
1	Record-Keeper	35
1	Mutchi and Book-binder	10—8—0
1	Daftarbund	8
1	Dafadar	10
2	Peons at Rs. 7 each	14
4	Peons at Rs. 6 each	24
2	Mashalchis at Rs. 5 each	10
1	Laskar	7
1	Sweeper	5
	Total.....	513—8—0 rising to Rs. 538—8—0

2. The proposal to fix the pay of the Sheristadars of the District and Sessions Courts of Mysore and Shimoga at Rs. 100, rising to Rs. 125, is also approved, and may be brought into effect on the occurrence of vacancies. Men who have passed the examinations prescribed for a Munsiffship should be appointed to the post of Sheristadar in the District Courts, so that they may be promoted to the Munsiff's grade if considered competent.

3. The necessary Process Service Establishment should either be entertained at once or transferred from the Sub-Court for employment in the new District Court.

4. The proposals for the reduction of the establishment of the Chief Court, consequent on the formation of the new District and Sessions Court of the Nundydroog Division, are awaited.

Chief Secretary.

To—The Offg. Chief Judge in Mysore.
The Comptroller.

10 Sept 90
57
70